IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4350 OF 2006

Shantabai Raghunath Katurde & Ors. ..Petitioners.

Vs.

Vinayak Vishwanat Bhopale & Ors. ..Respondents.

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Mr. A.Y. Sakhare, Senior Advocate with Mr. Sidharth Karpe i/b M/s. YKS Legal for the Petitioners.

Mr. R.S. Dalvi for Respondent No.1.

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CORAM: DR. D.Y. CHANDRACHUD, J.

10th July, 2006.

P.C. :

A decree for eviction has been passed under Section 16 (1)(g) of the Maharashtra Rent Control Act, 1999. The landlord's family consists of the landlord himself, his wife, his son who was at the relevant time aged 20 years and a daughter of 22. The landlord is in occupation of a room on the ground floor which is used as a kitchen and a room on the first floor which is being used for all the requirements of the family. In these circumstances, the concurrent finding that the landlord reasonably and bonafide require the suit premises consisting of a room admeasuring 11 ft x 10 ft does not warrant interference. The requirement of the

landlord is genuine and it is not with an ulterior motive. The factor of comparative hardship has weighed against the tenant, because both the Courts have noted that the tenant had not made any attempt to acquire alternative premises. The tenant is in possession of a small plot of land. No case for interference is made out under Article 227. However, having regard to the circumstances of the case, time to vacate the premises is granted until 31st December, 2006 subject to the filing of the usual undertaking within a period of two weeks from today.